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May 16, 2022

VIA ECF

Honorable Loretta A. Preska
U.S. District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Steven Donziger, 19 Cr. 561 (LAP); 11 Civ. 691 (LAK)

Dear Judge Preska:

I represent the United States in the above-referenced matter and write in response to the defense's May 16, 2022 letter requesting exoneration of the Defendant's pretrial appearance bond. Dkt. 4 (August 6, 2019). The Special Prosecutors do not oppose exoneration of the bond, given that Mr. Donziger surrendered to serve his sentence and the Bureau of Prisons released him on April 25, 2022. *See* Fed. R. Crim. P. 46(g); *United States v. Hoffman*, No. 04 CR. 1040 (RMB), 2007 WL 1052435, at *1 (S.D.N.Y. Apr. 5, 2007) ("Because Defendant has 'complied with all conditions of [his] release, and [has] surrendered . . . [and] [a]ccordingly, bond is no longer required to secure [his] appearance', Defendant's bond should be exonerated forthwith.") (citations omitted).

Mr. Donziger's bond was secured by a Deed of Trust entered upon certain real property located in the United States District Court for the Northern District of California (Case No. 3:19-xr-90770) on August 26, 2019. A co-signor to the bond pledged this property as security, and this property should likewise be released as part of exoneration of the bond.

I note that, with respect to the bail condition that Mr. Donziger surrender all passports issued to him to Pretrial Services, the return of those passports is subject to an order entered October 8, 2019 by Judge Lewis Kaplan in the Civil Case. *See* Dkt. 2366 in Case No. 11-cv-00691. Judge Kaplan ordered, in relevant part, that "in the event that the retention by Pretrial Services of the passports surrendered by Donziger is no longer required for bail purposes, Pretrial Services shall deliver them to the Clerk of this Court to be held by her, pursuant to my June 11, 2019 order, pending a determination that Donziger has purged himself of his civil contempt of paragraphs 4 and 5 of the forensic protocol." *Id.*

Sincerely,

s/Rita M. Glavin
Rita M. Glavin

*Special Prosecutor on behalf
of the United States*